

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kentrell Welch,

Case No.: 2:19-cv-00480-JAD-BNW

Plaintiff

v.

Order

Michael Minor, et al.,

[ECF No. 51, 59]

Defendants

Plaintiff Kentrell Welch brings this civil-rights action under 42 U.S.C. § 1983 for alleged deliberate indifference to his serious dental needs that he claims he suffered inside Nevada's prisons. He moves (1) for a special verdict or judgment as a matter of law under Federal Rules of Civil Procedure 49 and 50,¹ and (2) to join defendants under Rules 19 or 20.² I deny both motions.

First, Welch's motion for a special verdict or judgment as a matter of law is procedurally improper. A special verdict under Rule 49 is used by a jury at trial,³ and Rule 50 lets parties move for judgment as a matter of law once "a party has been fully heard on an issue during a jury trial."⁴ These rules are designed to be used during trial, not when the parties are still narrowing claims via amended complaints. So, I deny the motion for judgment. Second, the parties that Welch moves to join are already named defendants in his amended complaint, filed on November 6.⁵ I therefore deny as moot the motion to join parties.

¹ ECF No. 51.

² ECF No. 59.

³ *See* Fed. R. Civ. P. 49(a)(1).

⁴ Fed. R. Civ. P. 50(a)(1).

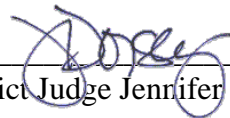
⁵ ECF No. 77.

Conclusion

IT IS THEREFORE ORDERED that the plaintiff's motion for a deferred special verdict or judgment as a matter of law [ECF No. 51] is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion for required or permissive joinder of parties [ECF No. 59] is **DENIED as moot**.

Dated: November 12, 2020



U.S. District Judge Jennifer A. Dorsey